

The Founding Period Review: The Federalists Consolidate National Authority (1776-early 1800s)

Objective:

1. To understand the tension between Federalists and Republicans over the role and purpose of federal authority.

Democracy and Authority Unit One

- What is this Theme About?
 - This unit examines the tension between the increasing power of the federal government and the rights of the people in the United States.
- Essential Question:
 - How effectively has the federal government maintained its authority while protecting the rights of the individual and the states?



Review of Democracy and Authority at the Founding

- Simultaneous fear of both democracy and authority
- Where do we see these fears reflected in the Constitution?

Fear of Democracy	Fear of Authority

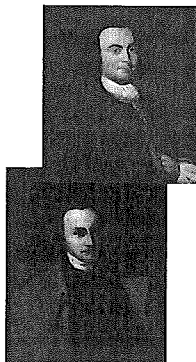
Federalists

- Promoted national government
- We have more to fear about democracy than we do authority
- Federal government is the expression of freedom, not the enemy of it
- Alexander Hamilton, James Madison, John Jay



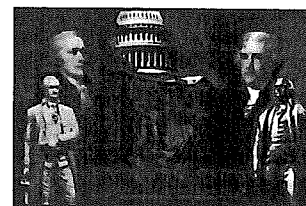
Anti-Federalists

- Promoted *democracy* over authority (power in the hands of the people, over power in the hands of the national government)
- Feared the national government would become monarchical and tyrannical
- Liberty is the power to govern yourself and the national government seems to stand in the way of that
- Called for the Bill of Rights to protect individual freedom and liberty
- Patrick Henry, Samuel Adams



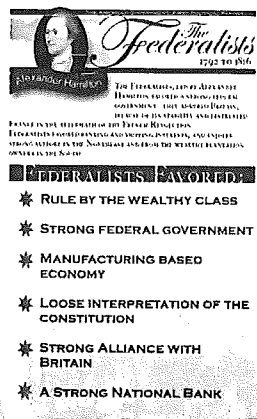
Tension Between Democracy and Authority in the Wake of the Founding

- Schism over the nature of federal authority produces two political parties following the ratification of the Constitution:
 - Federalists
 - Republicans (Not today's Republicans)



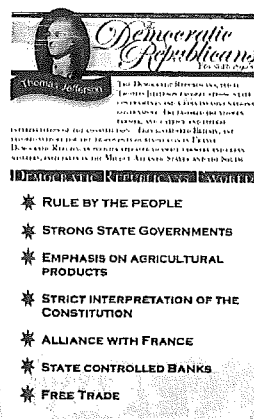
Federalists

- Advocated a strong national government as the best instrument to protect individual rights and freedom
- Genuine liberty required "a proper degree of authority, to make and exercise the laws"
- Believed the Constitution called for such a strong national government
- Demographics:
 - Northerners
 - Urban
 - Bankers & Merchants
- Key Figures:
 - George Washington
 - Alexander Hamilton
 - John Adams



Republicans

- Feared that too much power in the hands of a national government could lead to tyranny
- Wanted to concentrate power in the hands of state governments, not the federal government, because states were believed to be closer to the needs/wants of the people
- Demographics:
 - Southern
 - Rural
 - Farmers
- Key Figures:
 - Thomas Jefferson
 - James Madison

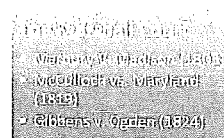
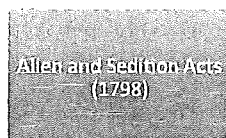
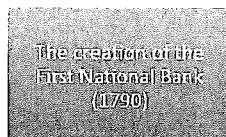


Federalists Take Power

- While Washington wasn't technically a Federalist (he had no party affiliation) he surrounded himself with Federalist Party members:
 - Vice President: John Adams
 - Treasury Secretary: Alexander Hamilton
 - But...Secretary of State: Thomas Jefferson
- Federalist John Adams was our second president
- From 1789-1801 Federalists were in charge of the government, and this sent the US on an important path towards increased federal authority
 - Much to the horror and virulent protest of Thomas Jefferson and James Madison (who switched sides!!)



Expansion of National Government Under the Federalists



The First National Bank 1790 Story

- Hamilton proposed the creation of a central bank
 - Hamilton believed a national bank was necessary to handle the complexity of the financial matters of the new nation
- Hamilton argued that the creation of such a bank was Constitutional under the "necessary and proper clause" of the U.S. Constitution (Article One, Section 8, Clause 18)
 - "The Congress shall have Power...To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."
- Hamilton took a liberal reading of the clause and said that Congress should do anything it felt was necessary to carry out national responsibilities.



The First National Bank 1790 Story

- Jefferson held that the clause meant that Congress should only take actions that were absolutely necessary, and no more
- He believed that the creation of a national bank, was an over-reach of government authority and not at all authorized by the necessary and proper clause
- Ultimately, Washington sided with Hamilton and the bank was created in 1790



The First National Bank 1790 Significance

- Hamilton's interpretation of the "necessary and proper clause" – The Implied Powers Doctrine – becomes the accepted/dominate interpretation of the clause
- Implied Powers Doctrine establishes expanded Federal Authority



Whiskey Rebellion (1794) Story

- Pennsylvania farmers refused to pay a tax on alcohol and started rebelling
- Washington sends in troops (and leads them himself!) to put down the uprising



Whiskey Rebellion (1794) Significance

- Demonstrated and proved the strength of the new federal government
 - Opposite of Shay's Rebellion!
 - While Shay's Rebellion proved that the government created by the Articles of Confederation was too weak to successfully put down insurrection, the squashing of the Whiskey Rebellion demonstrated the efficacy of the federal government established by the Constitution



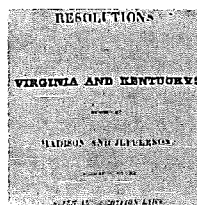
Alien and Sedition Acts (1798) Story

- Tension between the United States and France during the French Revolution led to a widespread anti-French sentiment and the fear that France might go to war with the United States
- Congress passed the Alien and Sedition Acts in response to this fear
 - Allowed the president to imprison or deport foreigners considered "dangerous to the peace and safety of the United States"
 - Restricted speech which was critical of the federal government



Alien and Sedition Acts (1798) Story

- Outraged by their belief that the Alien and Sedition Acts were tyrannical, Republicans Jefferson and Madison secretly wrote the Kentucky and Virginia Resolutions
 - Acts passed by Kentucky and Virginia that declared the Alien and Sedition Acts unconstitutional
 - Acts argued that states had the power to nullify federal laws



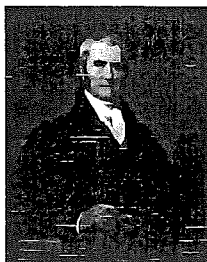
Alien and Sedition Acts (1798) Significance

- Demonstrates tremendous unilateral federal authority— authority which may violate the First Amendment
 - Acts were never challenged in the Supreme Court
 - Sedition Act largely seen as unconstitutional today
- Begins to plant the seeds for “nullification”
 - Legal theory that a state has the right to nullify or invalidate any federal law which that state has deemed unconstitutional
 - Based on the view that the States formed the Union by a compact among them. As creators of the federal government the States have a final authority to determine the limits of the power of that government.
 - Efforts to restrict federal authority between 1798 and the outbreak of Civil War in 1861, will tend to rely on nullification to argue that states' have greater powers than the federal government.

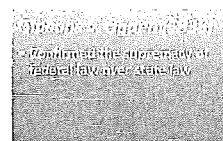
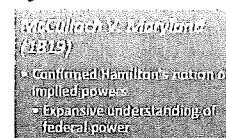
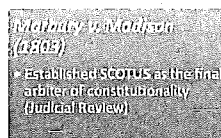


Marshall Court (1801-1835) Story

- John Marshall appointed Chief Justice of SCOTUS by John Adams
- Federalist Party leader and Secretary of State under John Adams
- His rulings *dramatically* elevated the power of SCOTUS
 - Made SCOTUS a coequal branch of government along with the legislative and executive branch
 - Established SCOTUS as the final arbiter of constitutionality (judicial review)
- Does all of this very inconspicuously
 - From an appointed position...in the basement of the Capitol



Marshall Court (1801-1835) Story



Marshall Court (1801-1835) Significance

- Dramatically expands federal authority because:
 - Grows federal authority by making SCOTUS an equal branch
 - Gives SCOTUS tremendous power
 - SCOTUS—not the people, not the states, not the president—decides if something is constitutional
 - Federal law is superior to state law
 - Federal government is more powerful than states

Federalists Expand Federal Authority in all Branches!

